

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TOBIAS DARDEN,

Plaintiff,

-against-

MEMORANDUM & ORDER
23-CV-07831 (OEM) (ST)

WILLARD DOC; SUFFOLK COUNTY
PAROLE/JUDGE PAROLE; SUFFOLK COUNTY
COURT SYSTEM (WARRANTS), In Their Own
Capacity; JOHN DOE #1, Classification Willard
D.T.C.; JOHN DOE #2, Senior Parole Officer/Head
of Parole; JOHN DOE #3, Judge Supreme Court
Justice/ (Own Capacity)

Defendants.

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ORELIA E. MERCHANT, United States District Judge

Pro se Plaintiff Tobias Darden filed the instant complaint pursuant to 42 U.S.C. § 1983. By Order dated November 8, 2023, the Court denied Plaintiff's request to proceed *in forma pauperis* ("IFP"), noting that, *inter alia*, Plaintiff stated that he had \$7,000.00 in a savings or checking account and had not demonstrated that he was unable to pay the required fee. ECF 7. Plaintiff was informed that if he wished to proceed with this action, he must, within 14 days, either (1) pay the \$402 fee to the Clerk of Court of the United States District Court for the Eastern District of New York¹ or (2) otherwise demonstrate that he cannot pay the filing fee. *Id.* By Order dated November 30, 2023, the Court afforded Plaintiff an additional 60 days to pay the required \$402 filing fee.

In May 2024, Plaintiff mailed to the Court a "Notice of Motion to Proceed As a Poor Person Upon Appeal" titled for the Supreme Court of the State of New York, Appellate Division. ECF 9.

¹ The Court notes that the fee for a civil complaint has increased since the time that Plaintiff filed his complaint and is now \$405.00.

The Clerk's office returned the document to Plaintiff, noting that the document appeared intended for another court. The United States Postal Service returned that mail to the Court as "not deliverable as addressed."² *Id.*

Accordingly, in light of Plaintiff's *pro se* status, the Court will grant him one final opportunity to demonstrate that he is unable to pay the filing fees. Within thirty days of the date of this order, Plaintiff must either pay the \$402 filing fee or submit an amended IFP application. If Plaintiff fails to comply with this Order, the action will be dismissed without prejudice.

CONCLUSION

The Clerk of Court is directed to mail a copy of this Order and an application to proceed *in forma pauperis* to Plaintiff at his last known address and note service on the docket.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3), that any appeal would not be taken in good faith and, therefore, *in forma pauperis* status is denied for the purpose of any appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: October 16, 2024
Brooklyn, New York

/s/
ORELIA E. MERCHANT
United States District Judge

² Plaintiff has a duty to keep the Court apprised of his address. *Carr v. Hallett*, 21-CV-2808 (RPK) (RER), 2021 WL 6136176, at *1 (E.D.N.Y. Dec. 29, 2021) (noting that the Court may dismiss an action "where a *pro se* plaintiff stops participating in litigation and circumstances where case-related mailings to the plaintiff are returned as undeliverable."); *Scruggs v. Fludd*, 19-CV-5163 (JMA) (AYS), 2019 WL 6827294, at *1 (E.D.N.Y. Dec. 11, 2019) (*pro se* Plaintiff has a duty to keep the Court apprised of his current address).